

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EUGENE CRAMER,

Petitioner,

No. CIV S-11-2479 GGH P

vs.

JAMES D. HARTLEY,

Respondent.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. This court will not rule on petitioner's request to proceed in forma pauperis.

Petitioner is presently incarcerated at Avenal State Prison in Kings County. He is serving a sentence for a conviction rendered by the Santa Clara County Superior Court and petitioner attacks the judgment of that case.

The general rule with regard to habeas applications is that both the United States District Court in the district where petitioner was convicted and the District Court where petitioner is incarcerated have jurisdiction over the claims. See Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973). In the instant case, the petitioner's conviction occurred in an area covered by the District Court for the Northern District of California.

Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:

1. This court has not ruled on petitioner's request to proceed in forma pauperis;

2. This matter is transferred to the United States District Court for the Northern District of California. Id. at 499 n.15; 28 U.S.C. § 2241(d).

DATED: October 5, 2011

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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